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OFFICE OF PETITIONS

In re Application of :
Akiohiro Furukawa et al :
Application No. 09/820,761 : DECISION GRANTING PETITION
Filed: March 30, 2001 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 109133 : :

This is a decision on the petition under 37 CFR 1.137(b), filed February 17, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee of \$1,500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of August 13, 2004 is accepted as having been unintentionally delayed.

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival. In view thereof, the extension of time fee submitted with the petition is unnecessary and will be refunded to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2152 for appropriate action on the reply received February 17, 2005.

Frances Hicks
Frances Hicks
Petitions Examiner
Office of Petitions